

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INCORPORATED.

No. C 10-2769 CW

Plaintiff,

ORDER GRANTING  
STIPULATION TO  
FILE UNDER SEAL  
(Docket No. 152)

V.

HOOPS ENTERPRISE LLC; and ANTHONY KORNKRUMPF,

## Defendants.

AND ALL RELATED CLAIMS

Plaintiff Adobe Systems Incorporated and Defendants and Counter-claimants Hoops Enterprise LLC and Anthony Kornrumpf have filed a stipulation to file under seal Plaintiff's unredacted reply in further support of Plaintiff's Motion for Partial Summary Judgment.

Plaintiff has also filed a declaration in support of the stipulation. In the declaration, Plaintiff states that the portions of the reply that the parties seek to seal discuss and quote from contracts between Adobe and third parties that the Court has previously granted permission to file under seal. Wang Decl. ¶¶ 2-4, Docket No. 152. The Court notes that it has also granted permission for certain portions of Defendant's opposition to Plaintiff's Motion for Partial Summary Judgment that also discuss from and quote the same contracts to be filed under seal, based on Plaintiff's earlier declaration stating that those

1 documents contain "contract terms and language that is used by  
2 Adobe in its current contracts with authorized distributors . . .  
3 protected by separate confidentiality provisions" with these  
4 distributors, and that public disclosure of these confidential  
5 terms would reveal "Adobe's internal workings and trade secrets  
6 regarding a core aspect of its business." Drey Decl. ¶ 3, Docket  
7 No. 140.

8 Plaintiff's filing is connected to a dispositive motion. To  
9 do establish that the document is sealable, the parties "must  
10 overcome a strong presumption of access by showing that  
11 'compelling reasons supported by specific factual findings . . .  
12 outweigh the general history of access and the public policies  
13 favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d  
14 665, 679 (9th Cir. 2010) (citation omitted). This cannot be  
15 established simply by showing that the document is subject to a  
16 protective order or by stating in general terms that the material  
17 is considered to be confidential, but rather must be supported by  
18 a sworn declaration demonstrating with particularity the need to  
19 file each document under seal. Civil Local Rule 79-5(a).

20 Documents cannot be sealed based solely on the parties'  
21 stipulation. See id. However, Plaintiff has provided compelling  
22 reasons supporting the sealing of its unredacted reply in its  
23 declaration in support of the stipulation and in its previous  
24 declaration.

25 Accordingly, the parties' stipulation to file under seal is  
26 GRANTED (Docket No. 152). Within four days of the date of this  
27 Order, Plaintiff shall file its unredacted reply in further  
28

1 support of Plaintiff's Motion for Partial Summary Judgment under  
2 seal.

3 IT IS SO ORDERED.

4  
5 Dated: 1/9/2012  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
CLAUDIA WILKEN  
United States District Judge